

### **REMARKS**

Claims 1, 2, 6-8, 10 and 11 are pending in the application. Claims 3-5, 9 and 12 have been cancelled.

#### **Oath/Declaration**

In order to comply with 37 CFR 1.67(a), please replace the combined declaration presently on file with the combined declaration filed concurrently with the present response.

#### **Claim Rejections – 35 USC § 112**

Claim 1 has been rejected for allegedly lacking support and for being allegedly indefinite for using the phrase “sufficient period of time” and for claiming a wide range of solvent concentration (0.0001% - 100%). Reconsideration by the Examiner is respectfully requested based on the removal of the wide range of solvent concentration, and the amendment of the phrase “sufficient period of time” as now reading “a period of between 30 seconds to 90 minutes”, based on the support found on page 14, line 8, and on Figure 2. It is therefore submitted that rejection of claim 1 under 35 USC § 112 is overcome by the present amendment.

#### **Claim Rejections – 35 USC § 102**

Claims 1 and 2 have been rejected by the Examiner as allegedly being anticipated by Komanowsky. Reconsideration of the Examiner’s rejection is respectfully requested based on the following amendments and arguments.

Claim 1 has been amended so as to specify that: (1) the solvent removed by the process is a polar solvent; (2) the biodegradable polymer is selected from the group consisting of polyhydroxyalkanoate, polycaprolactone, polylactic acid, polyglycolic acid, poly(lactic-co-

glycolic) acid, or a mixture or a copolymer thereof; and (3) the process induces between 0% and 25% degradation of the biodegradable polymer. Support for those amendments can be respectively found in Claims 9, 4 and 12. As a result of those amendments, Claims 9, 4 and 12 have been cancelled. Claims 3 and 5 have also been cancelled as a result of those amendment.

It is submitted that Komanowsky cannot be found to be anticipating the processes of the present application since Komanowsky never teaches the removal of a polar solvent (hexane being a non-polar solvent) from a solution or a biomass containing a biodegradable polymer selected from the group consisting of polyhydroxyalkanoate, polycaprolactone, polylactic acid, polyglycolic acid, poly(lactic-co-glycolic) acid, or a mixture or a copolymer thereof, while ensuring that no more than 25% degradation of those biodegradable polymers is occurring. Therefore, it is submitted that Claims 1 and 2 are not anticipated by Komanowsky, and should be allowed as such.

#### **Claim Rejections – 35 USC § 103**

Claims 3-12 have been rejected as allegedly being obvious over Komanowsky in view of Tweedy. Reconsideration by the Examiner is respectfully requested, based on the following arguments.

As discussed hereinabove, Komanowsky never teaches nor suggests the process of Claim 1 as amended, i.e. a process for drying or concentrating a biodegradable polymer selected from the group consisting of polyhydroxyalkanoate, polycaprolactone, polylactic acid, polyglycolic acid, poly(lactic-co-glycolic) acid, or a mixture or a copolymer thereof, by reducing the concentration of polar solvent, without inducing more than 25% degradation of the biodegradable polymer.

In addition, while the process of the present application involves the drying or concentrating of a biodegradable polymer by removing a solvent, the process disclosed by Tweedy is rather directed towards the condensation of hydroxy groups for the production of acrylate esters. It is therefore submitted that the skilled man in the art would have had no

motivation in combining the teachings of Tweedy for the production of acrylate esters from a condensation process with the method of Komanowsky for dehydrating hides using non-polar solvents such as hexane, in order to arrive at the processes claimed in the present application. Therefore, it is submitted that all claims as amended are not obvious over the references by Komanowsky in view of Tweedy.

In addition, Claims 10 and 11 have been amended so as to correct their dependencies upon the cancellation of Claims 4 and 9. Claim 11 has been further amended so as to include "water" in the group of polar solvent, based on the support of Claim 9.

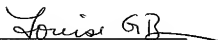
In view of the above, examination of Claims 1, 2, 6-8, 10 and 11 on their merits and allowance at an early date is respectfully requested.

A fee of \$525 for a Small Entity is required by this Response as the payment of a three month extension of time for replying. The Commissioner is hereby authorized to charge this amount to deposit account number 19-5113. No further fees are believed to be required by this response. However, should this be an error, authorization is hereby given to charge deposit account number 19-5113 for any underpayment or to credit any overpayment.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

**BIOMATERA INC.**



Louise Bernier, Ph.D.

Reg. No. 38,791

Agent for the Applicant

OGILVY RENAULT, LLP

Customer number: 020988